

FILED
IN CLERKS OFFICE

United States District Court
For The District of Massachusetts
Boston Division
1 Courthouse Way - Suite 2300
Boston Massachusetts 02210

2005 FEB 16 P 2:35

U.S. DISTRICT COURT
DISTRICT OF MASS

Joseph Marion Head junior
Petitioner - Plaintiff
VS

Case Number

United States of America,
United States of America
Attorney General,
And David L. Winn,
Warden of F.M.C. Devens,
Respondents - Defendants

Petition For Writ of Habeas Corpus
And Complaint - In Forma Pauperis,
Pursuant To The Provisions of Laws
And Constitution Which Applies Hereto And
Which May Be Applied Hereto As Known
By The Courts Relating Hereto.

Petitioner - Plaintiff
Hereinafter Herein Referred As The Plaintiff

Plaintiff herein is Joseph Marion Head junior,
Reg. No. 17549-056, who is a Caucasian
male born on December Second 1946 in
Hastonia, North Carolina of The United States
of America

Complete background of plaintiff and

18 U.S.C. 4245(e), 4247(h), 18 U.S.C. 3006A
Strickland v Washington and sub sec. D (1984)

TALKING POINTS - U.S. Supreme Court Decision:
United States v. Booker and United States v. Fanfan,
 Nos. 04-104 and 04-105, 2005 WL 50108 (January 12, 2005)

- On January 12, 2005, the Supreme Court issued its decision in the above-referenced cases.
- The Booker decision applied the rule previously announced in Blakely v. Washington, 542 U.S. ____ (June 24, 2004), to the U.S. Sentencing Guidelines (hereinafter, "the Guidelines"). In Booker, the Court ruled:
 - (1) that any fact that increases the maximum sentence under the sentencing guidelines must be proven to a judge or jury beyond a reasonable doubt, or admitted by the defendant; and
 - (2) that judges are not required to impose sentences within the sentencing guidelines range. Rather, judges are required to consult the guidelines, along with other factors, and then may impose a greater or lesser sentence as long as such sentence is "reasonable."
- The Court's decision expressly indicated that both rulings apply to all cases that are now pending direct appeal or otherwise "not yet final." Beyond that, however, the Court did not address how its decision might apply to other cases.
- Nothing will happen automatically as a result of the Booker/Fanfan decision. The decision will affect different inmates in different ways. The Bureau cannot change any inmate's sentence unless an amended criminal judgment, or other order, is issued by the appropriate court.
- There has been speculation in the media that the Court's decision will not apply retroactively, and therefore will not apply to cases that have been affirmed on direct appeal. We caution inmates that media reports about the Supreme Court's long and complicated ruling may not be accurate or complete. Inmates should consult with defense counsel as to whether the Court's decision has any effect on their cases, and to determine the most appropriate course of action for them.
- The Bureau is implementing plans to facilitate inmates' access to the decision, as well as an increasing increased legal activities as a result of the Court's decision.

Page No. 2

plaintiffs Commitments And Etc. Thereto relating, prior, present and hereinafter, Plaintiff dose not have a copy of his prison and court records and other records needed and necessary relating hereto for the purpose of relating herein the complete backgrounds aforesaid, Therefore moves the court to order the Respondents and Defendants to provide the Court with said information in their responds, etc. hereto and otherwise as ordered by the court relating hereto. Further to include each and all claims, grounds, allegations, motions, objections, exceptions, errors of trial Etc. and all processes etc relating to each of same, prior, present and hereinafter, to include how same, can, dose, may, relate and apply and may be applied to each other and the relief demanded as to each and each of the others, and tort claims, complaints, civil actions, V.A. and S.S. etc. Benefits etc. relating thereto, prior, present, herein after and retroactive and otherwise. Which of the aforesaid can and can not be reasserted or reconsidered herein and relating hereto and the reasons why and all law etc that applies thereto and hereto prior, present and hereinafter. To include as to all relief prior and present asked for and demanded relating to the aforesaid and plaintiff heretof,

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
Petitioner)
v.)
JOSEPH MARION HEAD)
(Reg. No. 17549-056))
Respondent)

03-CV-10228

CRIMINAL

FILED UNDER SEAL

ORDER OF COMMITMENT PURSUANT TO 18 U.S.C. § 4245

Upon consideration of the United States' Petition for a hearing to Determine the Present Mental Condition of an Imprisoned Person pursuant to 18 U.S.C. § 4245, and Case Summary; and following a hearing on ~~October 14, 2003~~ Nov. 17, 2003, and upon consideration of the evidence submitted herewith; the Court hereby finds that by a preponderance of the evidence, Respondent suffers from a mental disease or defect for the treatment of which he is in need of custody for case of treatment in a suitable facility.

Therefore, it is hereby Ordered:

That the Respondent be committed, pursuant to 18 U.S.C. § 4245(d), to the custody of the Attorney General for treatment at FMC Devens or other suitable facility until it is determined pursuant to 18 U.S.C. § 4245(e) that he is no longer in need of such custody for the care or treatment, or until the expiration of his sentence of imprisonment, whichever comes first.

So ORDERED this 17th day of November, 2003.

Everything said in each case summary and summaries must be proven legal and valid and true and correct or Perjury charges issue.

[Signature]
United States District Judge

DOCKETED

Send Head a copy of all the records and evidence relating hereto and thereto his court cases and prison records and appoint Head an team of attorneys, expert phy, s, Investigators

James R. Fletcher, MD
Chief Psychiatrist

(14)

Failed to adjudge whether or not my convictions and sentences (state, federal) was legal, valid, final.

What evidence herewith
Did not state whether or not a appeal
nor my reasons for same. Did not say
I was informed of my right to appeal and
legally waived said right.

Apprienda v New Jersey
Strickland v Washington 1984

TALKING POINTS - U.S. Supreme Court Decision:

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Nos. 04-104 and 04-105, 2005 WL 50108 (January 12, 2005)

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- The Bureau is implementing plans to facilitate inmates' access to the decision as well as accommodating increased inmate legal activities as a result of the Court's decision.

Restricted Spending Limit: \$0.00
Restricted Expended Amount: \$0.00
Restricted Remaining Spending Limit: \$0.00
Restriction Start Date: N/A
Restriction End Date: N/A

Item Restrictions

List Name	List Type	Start Date	End Date	Userid	Active
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Comments

Comments:

Inmate Inquiry

Inmate Reg #: 17549056 **Current Institution:** Devens FMC
Inmate Name: HEAD, JOSEPH **Housing Unit:** N SOMP
Report Date: 02/08/2005 **Living Quarters:** N02-219U
Report Time: 1:47:27 PM

[General Information](#) | [Account Balances](#) | [Commissary History](#) | [Commissary Restrictions](#) | [Comments](#)

General Information

Administrative Hold Indicator: No

No Power of Attorney: No

Never Waive NSF Fee: No

Max Allowed Deduction %: 100

PIN: 5438

FRP Participation Status: ExemptTmp

Arrived From:

Transferred To:

Account Creation Date: 2/15/2002

Local Account Activation Date: 7/1/1991

Sort Codes:

Last Account Update: 2/7/2005 11:11:52 AM

Account Status: Active

ITS Balance: \$0.00

FRP Plan Information

FRP Plan Type	Expected Amount	Expected Rate
---------------	-----------------	---------------

Account Balances

Account Balance:	\$19.78
Pre-Release Balance:	\$0.00
Debt Encumbrance:	\$0.00
SPO Encumbrance:	\$0.00
Other Encumbrances:	\$0.00

This Money Will Be Spent For Postage Stamps, Ink Pen's Etc Needed Items.

Outstanding Negotiable Instruments: \$0.00
Administrative Hold Balance: \$0.00
Available Balance: \$19.78
National 6 Months Deposits: \$242.80
National 6 Months Withdrawals: \$243.94
National 6 Months Avg Daily Balance: \$6.07
Local Max. Balance - Prev. 30 Days: \$19.78
Average Balance - Prev. 30 Days: \$0.82

Commissary History

Purchases

Validation Period Purchases: \$0.00
YTD Purchases: \$193.57
Last Sales Date: 1/24/2005 5:51:13 PM

SPO Information

SPO's this Month: 0
SPO \$ this Quarter: \$0.00

Spending Limit Info

Spending Limit Override: No
Weekly Revalidation: No
Spending Limit: \$290.00
Expended Spending Limit: \$0.00
Remaining Spending Limit: \$290.00

Commissary Restrictions

Spending Limit Restrictions

**Affidavit to Accompany
Motion for Leave to Appeal in Forma Pauperis**

District Court No. _____

Appeal No. 05-1050

Joseph Marion Head Junior
Petitioner - Appellant

U.S. David L. Winn, State of North Carolina -
Respondents - Appellees

Affidavit in Support

I swear or affirm under penalty of perjury that I am indigent and of my poverty, I cannot appeal or post a bond for appeal. I swear or affirm that the foregoing is true and correct. (28 U.S.C. § 1915A)

Signed: *Joseph*

My issues on appeal are:

To be filed
in District
Court NOT Court-
of Appeals

When to a
ach a
ne, your

1. For both you and your spouse

following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source

Average monthly amount during the past 12 months

Amount expected next month

I have been divorced over 30 years, I have no spouse

Income source	You	Spouse	You	Spouse
Employment	\$ <u>20.00</u>	\$ <u>N/A</u>	\$ <u>20.00</u>	\$ <u>N/A</u>
Self-employment	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Interest and dividends	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>

United States Court of Appeals For the First Circuit

No. 05-1050

JOSEPH MARION HEAD, JR.

Petitioner - Appellant

v.

UNITED STATES; DAVID L. WINN; STATE OF NORTH CAROLINA

Respondents - Appellees

ORDER OF COURT

Entered: February 2, 2005

Upon consideration of Petitioner's Motion For Appointment of Counsel, the motion is denied without prejudice to refile once the petitioner has obtained in forma pauperis ("IFP") status. We note that the fee is still outstanding in this case.

On or before February 16, 2005, petitioner must file a motion to proceed IFP and a financial affidavit in the district court, and provide this court with proof of filing. If the district court denies petitioner's motion, petitioner must refile in this court his IFP motion and financial affidavit along with a renewed motion for appointment of counsel.

By the Court:

Richard Cushing Donovan, Clerk

LYNNE ALIX MORRISON

By _____
Appeals Attorney

[cc: Michael J. Sullivan, Esq., Roy Cooper, Esq. and Joseph Marion Head, Jr.]

Inmate Inquiry

Inmate Reg #:	17549056	Current Institution:	Devens EMC
Inmate Name:	HEAD, JOSEPH	Housing Unit:	N SOMIP
Report Date:	02/01/2005	Living Quarters:	N02-219U
Report Time:	12:44:01 PM		

[General Information](#) |
 [Account Balances](#) |
 [Commissary History](#) |
 [Commissary Restrictions](#) |
 [Comments](#)

General Information

Administrative Hold Indicator: No
 No Power of Attorney: No
 Never Waive NSF Fee: No
 Max Allowed Deduction %: 100
 PIN: 5438
 FRP Participation Status: ExemptTmp
 Arrived From:
 Transferred To:
 Account Creation Date: 2/15/2002
 Local Account Activation Date: 7/1/1991

 Sort Codes:
 Last Account Update: 1/28/2005 2:08:49 AM
 Account Status: Active
 ITS Balance: \$0.00

FRP Plan Information

FRP Plan Type	Expected Amount	Expected Rate
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Account Balances

Account Balance: \$0.02
 Pre-Release Balance: \$0.00
 Debt Encumbrance: \$0.00
 SPO Encumbrance: \$0.00
 Other Encumbrances: \$0.00
 Outstanding Negotiable Instruments: \$0.00
 Administrative Hold Balance: \$0.00
 Available Balance: \$0.02
 National 6 Months Deposits: \$243.88
 National 6 Months Withdrawals: \$243.94
 National 6 Months Avg Daily Balance: \$6.31
 Local Max. Balance - Prev. 30 Days: \$14.70
 Average Balance - Prev. 30 Days: \$2.72

15. If this petition concerns jail or prison conditions, prison discipline, a parole problem or other cause under 28 U.S.C. § 2241, answer the following:

a. Did you present the facts in relation to your present complaint in the internal prison grievance procedure?

_____ Yes _____ No *See prison records of F.M.C. Devens*

(1) If your answer to "a" above is yes, what was the result? *See Prison Records of F.M.C. Devens*

(2) If your answer to "a" above is no, explain: _____

b. Did you present your claim to the Bureau of Prisons or other federal agency for administrative action?

_____ Yes _____ No *See Prison Records*

(1) If your answer is "yes," state the date such claim was submitted and what action, if any has been taken:

See Prison Records of F.M.C. Devens

(2) If your claim has not been acted on, attach copies of any correspondence you have received from the Bureau of Prisons or other federal agency concerning you.

c. **STATEMENT OF CLAIM:** State here as briefly as possible the facts of your case. DO NOT give any legal arguments or cite any cases or any statutes. Attach extra pages of the same size to this page if more room is necessary. DO NOT write on the reverse side of this page.

The commitment 18 U.S.C. 4245(d) of petitioner is and was illegal and violating of Federal law and the rights of petitioner. As facts hereto is the complete State and Federal Prison and court records relating to petitioner, past, present and hereinafter. The State and Federal convictions and sentences was not proven to be legal, valid, final. Petitioner was not allowed to appeal the commitment, Petitioner was not allowed to have evidence and witness in his favor at the commitment hearing and was not allowed to testify at said hearing nor thereafter at a hearing 18 U.S.C. 4245(e), 4247(h)

Deposits			
Inmate Reg #:	17549056	Current Institution:	Devens EMC
Inmate Name:	HEAD, JOSEPH	Housing Unit:	N SOMP
Report Date:	02/01/2005	Living Quarters:	N02-219C
Report Time:	12:44:14 PM		



<u>Date/Time</u>	<u>User Id</u>	<u>Transaction Type</u>	<u>Amount</u>	<u>Ref#</u>	<u>Payment#</u>
1/5/2005 9:31:46 AM	DEV2007	Payroll - IPP	\$14.04	5JV034	
12/17/2004 5:29:19 AM	AMSERVICE	Lockbox - CD	\$50.00	70122301	
12/6/2004 9:06:36 AM	DEV2007	Payroll - IPP	\$21.92	5JV021	
11/30/2004 5:31:03 AM	AMSERVICE	Lockbox - CD	\$50.00	70121005	
11/5/2004 9:39:14 AM	DEV2007	Payroll - IPP	\$19.76	5JV004	
10/20/2004 1:32:03 PM	DEV2007	Local Collections	\$20.00	1055	
10/5/2004 10:03:00 AM	DEV2007	Payroll - IPP	\$22.28	4JV157	
9/8/2004 7:59:53 AM	DEV2007	Payroll - IPP	\$25.04	4JV146	
8/5/2004 7:07:54 AM	DEV2004	Payroll - IPP	\$20.84	4JV132	
7/6/2004 8:56:57 AM	DEV2007	Payroll - IPP	\$23.00	4JV117	
6/7/2004 8:13:23 AM	DEV2007	Payroll - IPP	\$17.24	4JV102	
5/10/2004 2:27:56 PM	DEV2007	Local Collections	\$50.00	14466	

1

7. Indictment or case number, if known: N/A See Court Records
8. Offense or Offenses for which sentence was imposed: N/A See Court Records
9. Date upon which sentence was imposed and the term of the sentence: N/A See Court Records
10. When was a finding of guilt made? (Check one)
 _____ After a plea of guilty
☒ After a plea of not guilty
 _____ After a plea of Nolo Contendre
11. If you were found guilty after a plea of not guilty, was that finding made by:
☒ A jury
 _____ A judge without a jury
12. Did you appeal the judgment of the conviction or the imposition of a sentence? Yes Yes _____ No
13. If you did appeal, give the following information for each appeal:
- a. Name of court: U.S. Ct. App. 4th Cir., Etc., See Court Records
- b. Result: N/A See Court Records
- c. Date of result: N/A See Court Records
- d. Citation or number of opinion: N/A See Court Records
- e. Grounds raised: (List each one)
Each asserted and related in the State and Federal Prison and Court records relating to petitioner, prior, present, hereinafter. As if each of same was related herein in proper order and form of each of same.

NOTE: If you appealed more than once, attach an additional sheet of paper the same size, give all the information requested above in question number 13, a through e. DO NOT WRITE ON BACK OF PAGE.

UNITED STATES DISTRICT COURT

Boston - Ma.

District of

MassachusettsJoseph Marion Head Jr.

Plaintiff

APPLICATION TO PROCEED
WITHOUT PREPAYMENT OF
FEES AND AFFIDAVITU.S.A., N.C. and Attorney
General of U.S. and David
L. Winn - Warden J.M.C. Derens

Defendant

CASE NUMBER:

Joseph Marion Head Jr.

I declare that I am the (check appropriate box)

☒ petitioner/plaintiff/movant☐ other

in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC §1915 I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? ☒ Yes ☐ No (If "No," go to Part 2)

If "Yes," state the place of your incarceration J.M.C. Derens

Are you employed at the institution? Yes Do you receive any payment from the yes

Attach a ledger sheet from the institution(s) of your incarceration showing at least the past six months' transactions.

2. Are you currently employed? ☒ Yes ☐ No

a. If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the name and address of your employer. J.M.C. Derens, Ed. Dept.

about \$20.00 per month

b. If the answer is "No," state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.

3. In the past 12 twelve months have you received any money from any of the following sources?

- | | | |
|---|---|--|
| a. Business, profession or other self-employment | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| b. Rent payments, interest or dividends | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| c. Pensions, annuities or life insurance payments | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| d. <u>Disability</u> or workers compensation payments | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| e. Gifts or inheritances | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| f. Any other sources | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

If the answer to any of the above is "Yes," describe, on the following page, each source of money and state the amount received and what you expect you will continue to receive.

FORM TO BE USED BY FEDERAL PRISONERS FOR FILING A PETITION FOR WRIT OF
HABEAS CORPUS UNDER TITLE 28 U.S.C. § 2241

IN THE UNITED STATES DISTRICT COURT

FOR THE Massachusetts, Boston Division

Joseph Marion Head Junior (17549-056)
Petitioner

N-5 Cell 527 - F.M.C. Devens
Post Office Box 879
Ayer, Ma. 01432
(Full name under which you were convicted;
Prison Number; Full Mailing Address).

VS. U.S.A., N.C. and
U.S. Attorney General

CIVIL ACTION NO. _____

David L. Winn - Warden
F.M.C. Devens P.O. Box 880
Ayer - Ma. 01432
(Name of Warden or other authorized person
having custody of Petitioner).

PLEASE COMPLETE THE FOLLOWING. READ THE ENTIRE PETITION BEFORE FILLING IT
OUT. ANSWER THOSE QUESTIONS WHICH PERTAIN TO YOUR TYPE OF CLAIM.

1. This petition concerns: (check appropriate blank)

- ☒ A conviction
☒ A sentence (CAUTION: If you are attacking a sentence imposed under a Federal Judgment, you
must file a direct motion under 28 U.S.C. § 2255 in the Federal Court which entered the
Judgment).
☐ Jail or prison conditions
☐ Prison discipline issue
☐ A parole problem
☒ Other. State briefly: 18 U.S.C. 4245 (d) commitment
Nov. 17th. 2003 - U.S. Fed. Judge - Tauro, Boston
- Massachusetts 02210

2. Place of detention: N-5 Cell 527 - F.M.C. Devens - Post Office
Box 879 - Ayer - Massachusetts - 01432

United States District Court - Boston - Ma.
Re. Joseph Marion Head Junior (VS) See Petition
STATEMENT OF INDIGENCY *Herewith*

Request To Waiver Or Defer Payments

I do hereby swear, under penalty of perjury, that the following information is true and correct.

Joseph Marion Head Jr. I do assert that my income prevents me from paying any fees while incarcerated due to the fact that I only earn \$20.00 About⁴ per month at my current work assignment.

By my not being able to afford to pay any unreasonable payments, it adversely affects my ability to research information which could help with any appeal or liberty interest. Any other payments that may have been made in the past have been made with the assistance of family members who cannot afford to help with, nor is it their responsibility to do so.

In the event a full waiver of payments is not feasible, I would agree to, and fully intend to, pay the fees required. However, I would request a deferment of such payments until such time as I am on Supervised Release, at which time I will have an opportunity to obtain meaningful and gainful employment.

Respectfully submitted this 22 day of 2, 2005.

Petitioner has been in custody over 30 years and has not had a job that pays min. wages etc. in over 30 years.

Name: *Joseph Marion Head Junior*
Number: 17549-056
F.M.C. Devens, Unit: N-5-cell 527
P.O. Box 879
Ayer, MA 01432

See State and Federal Prison Trust Fund of Petitioner in the past 31 years

1. Please see copy of account for previous six (6) months.

FILED
CLERK'S OFFICE. Page 2

PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

United States District Court		District
Name (under which you were convicted): <u>Joseph Marion Head Junior</u>		Docket or Case No.: <u>State</u>
Place of Confinement: <u>F.M.C. Devenis - P.O. Box 879 - Ayer - Ma. 01432</u>		Prisoner No.: <u>H2-007-410-4336</u>
Petitioner (include the name under which you were convicted): <u>Joseph Marion Head Jr.</u>		Respondent (authorized person having custody of petitioner): <u>North Carolina and David L. Winn - Warden</u>
The Attorney General of the State of <u>U.S.A., Ma., N.C.</u>		

Adm. Reg. No.
17549-056

PETITION

- (a) Name and location of court that entered the judgment of conviction you are challenging: Superior Court of Rutherford County
Rutherfordton North Carolina 28139
(b) Criminal docket or case number (if you know): 74CR2403
- (a) Date of the judgment of conviction (if you know): Aug. 1974, May 1975, Aug. 1976
(b) Date of sentencing: August 1976
- Length of sentence: 35 years consecutive to 10 years
- In this case, were you convicted on more than one count or of more than one crime? Yes ☐ No ☒
- Identify all crimes of which you were convicted and sentenced in this case: Second Degree Rape
- (a) What was your plea? (Check one) Judge entered the plea
 (1) Not guilty ☐ (3) Nolo contendere (no contest) ☐
 (2) Guilty ☐ (4) Insanity plea ☐
 (b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to? Judge
Enter The Plea of Not Guilty, Tried For
Second Degree Rape

**Petition for Relief From a Conviction or Sentence
By a Person in State Custody**

(Petition Under 28 U.S.C. § 2254 for a Writ of Habeas Corpus)

Instructions

1. To use this form, you must be a person who is currently serving a sentence under a judgment against you in a state court. You are asking for relief from the conviction or the sentence. This form is your petition for relief.
2. You may also use this form to challenge a state judgment that imposed a sentence to be served in the future, but you must fill in the name of the state where the judgment was entered. If you want to challenge a federal judgment that imposed a sentence to be served in the future, you should file a motion under 28 U.S.C. § 2255 in the federal court that entered the judgment.
3. Make sure the form is typed or neatly written.
4. You must tell the truth and sign the form. If you make a false statement of a material fact, you may be prosecuted for perjury.
5. Answer all the questions. You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit a brief or arguments, you must submit them in a separate memorandum.
6. You must pay a fee of \$5. If the fee is paid, your petition will be filed. If you cannot pay the fee, you may ask to proceed *in forma pauperis* (as a poor person). To do that, you must fill out the last page of this form. Also, you must submit a certificate signed by an officer at the institution where you are confined showing the amount of money that the institution is holding for you. If your account exceeds \$ _____, you must pay the filing fee.
7. In this petition, you may challenge the judgment entered by only one court. If you want to challenge a judgment entered by a different court (either in the same state or in different states), you must file a separate petition.
8. When you have completed the form, send the original and two copies to the Clerk of the United States District Court at this address:

Clerk, United States District Court for _____
Address
City, State Zip Code

9. **CAUTION:** You must include in this petition all the grounds for relief from the conviction or sentence that you challenge. And you must state the facts that support each ground. If you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.
10. **CAPITAL CASES:** If you are under a sentence of death, you are entitled to the assistance of counsel and should request the appointment of counsel.

- (c) If you went to trial, what kind of trial did you have? (Check one)
 Jury ☒ Judge only ☐ *Judge and D.A. selected jury, Not Me,*
7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?
 Yes ☒ No ☐ *Two Prior trials*
8. Did you appeal from the judgment of conviction?
 Yes ☒ No ☐
9. If you did appeal, answer the following:
 (a) Name of court: *N.C. Court of Appeals*
 (b) Docket or case number (if you know): *N/A See Ct. Rec.*
 (c) Result: *N/A - See Ct. Rec.*
 (d) Date of result (if you know): *N/A See Ct. Rec.*
 (e) Citation to the case (if you know): *N/A See Ct. Rec.*
 (f) Grounds raised: *N/A see Ct. Records*
- (g) Did you seek further review by a higher state court? Yes ☒ No ☐
 If yes, answer the following:
 (1) Name of court: *N.C. Supreme Court*
 (2) Docket or case number (if you know): *N/A See Ct. Rec.*
 (3) Result: *N/A See Ct. Rec.*
 (4) Date of result (if you know): *N/A See Ct. Rec.*
 (5) Citation to the case (if you know): *N/A See Ct. Rec.*
 (6) Grounds raised: *N/A See Ct. Rec.*
- (h) Did you file a petition for certiorari in the United States Supreme Court? Yes ☒ No ☐
 If yes, answer the following:
 (1) Docket or case number (if you know): *N/A See Ct. Rec.*

(a) If so, give name and location of court that imposed the other sentence you will serve in the future: U.S.D.Ct. Asheville North Carolina

(b) Give the date the other sentence was imposed: N/A See Ct. Rec. 1

(c) Give the length of the other sentence: N/A See Ct. Rec.

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? Yes ☐ No ☐ N/A See Ct. Rec. 1

18. TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition.* N/A See Ct. Rec. 1 and

all provisions of law etc. that
applies thereto and hereto.

* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2244(d) provides in part that:

- (1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of —

(continued...)

(6) Did you receive a hearing where evidence was given on your petition, application, or motion? Yes ☐ No ☒

(7) Result: N/A See Ct. Rec.

(8) Date of result (if you know): N/A See Ct. Rec.

(c) If you filed any third petition, application, or motion, give the same information:

(1) Name of court: N/A See Ct. Rec.

(2) Docket or case number (if you know): N/A See Ct. Rec.

(3) Date of filing (if you know): N/A See Ct. Rec.

(4) Nature of the proceeding: N/A See Ct. Rec.

(5) Grounds raised: N/A See Court Records

(6) Did you receive a hearing where evidence was given on your petition, application, or motion? Yes ☐ No ☒

(7) Result: N/A See Ct. Rec.

(8) Date of result (if you know): N/A See Ct. Rec.

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition: Yes ☐ No ☒

(2) Second petition: Yes ☐ No ☒

(3) Third petition: Yes ☐ No ☒

N/A See Ct. Rec.

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not:

N/A See Ct. Rec.

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available. N/A

See Ct. Rec's

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? Yes ☐ No ☐ N/A See Ct. Rec's

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised. N/A See Ct. Rec's

16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: Robert W. Wolf and Robert L. Harris — Rutherfordton N.C.

(b) At arraignment and plea: Wolf and Harris

(c) At trial: First and Second trials, Wolf, Harris, NONE at last trial

(d) At sentencing: NONE at last sentencing

(e) On appeal: First, Second, Wolf, Harris, Last James Burrwell Jr.

(f) In any post-conviction proceeding: NONE

(g) On appeal from any ruling against you in a post-conviction proceeding: NONE

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes ☐ No ☐ See Fed. Ct. Rec.

also I have to report as a sex offender for 10 years.

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE: Each Ground Etc, Which Was Exhausted in State Courts

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

See each and all prior and present records, persons, places, things of and relating to this case and the Petitioner herein.

(b) If you did not exhaust your state remedies on Ground One, explain why: See Ct. Rec. 10 Petitioner is a layman at law and was forced to proceed pro se the best he could

(c) Direct Appeal of Ground One:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☐

(2) If you did not raise this issue in your direct appeal, explain why: Did Not Know I could appeal and did not know how,

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court? Yes ☐ No ☐ N/A See Ct. Rec. 10

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: N/A See Ct. Rec. 10

Name and location of the court where the motion or petition was filed: N/A See Ct. Rec. 10

Docket or case number (if you know): N/A See Ct. Rec.
 Date of the court's decision: N/A See Ct. Rec.
 Result (attach a copy of the court's opinion or order, if available): N/A See Ct. Rec.

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue: N/A See Ct. Rec.

(e) Other Remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Two: N/A See Ct. Rec.

GROUND THREE: Illegally or Unconstitutionally
Registrars etc as a sex offender

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):
See all State and Federal
Prison and Court Records of
and Relating to Petitioners and
His Court Cases and see all
related and asserted in said
records.

(b) If you did not exhaust your state remedies on Ground Three, explain why: N/A See Ct. Rec.

(c) Direct Appeal of Ground Three:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☐ N/A See Ct. Rec.

(2) If you did not raise this issue in your direct appeal, explain why: N/A See Ct. Rec.

Docket or case number (if you know): N/A See Ct. Rec. & S
 Date of the court's decision: N/A See Ct. Rec. & S
 Result (attach a copy of the court's opinion or order, if available): N/A See Ct. Rec. & S

(3) Did you receive a hearing on your motion or petition?

Yes ☐ No ☐ N/A See Ct. Rec. & S

(4) Did you appeal from the denial of your motion or petition?

Yes ☐ No ☐ N/A See Ct. Rec. & S

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐ N/A See Ct. Rec. & S

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: N/A See Ct. Rec. & S

Docket or case number (if you know): N/A See Ct. Rec. & S
 Date of the court's decision: N/A See Ct. Rec. & S
 Result (attach a copy of the court's opinion or order, if available): N/A See Ct. Rec. & S

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue: N/A See Ct. Rec. & S

(e) Other Remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One: N/A See Ct. Rec. & S

GROUND TWO: Each Ground Etc. Which Was Not Exhausted Which The Court Will Allow.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

N/A See All Prison and Court records relating to petitioner and his court cases.

United States District Court
For the District of Massachusetts
Boston Division
1 Courthouse Way - Suite 2300
Boston Massachusetts Division
Boston Massachusetts 02210

FILED
IN CLERKS OFFICE
2006 FEB 7 P 2:16
U.S. DISTRICT COURT
DISTRICT OF MASS.

Joseph Marion Head, Junior
Plaintiff - Petitioner
vs

United States of America
And Employees thereof
Liable Herein
Defendants.

Civil Commitment Case No.
Nov. 17 - 03, 18 U.S.C. 4245(d)
Federal Criminal Commitment
Case Numbers U.S.D.C. W.D.N.C. Ash Div
State Case Numbers 74CR2403-
74CR2403A, 73CR673
71CR3030

Petition For Writ of Habeas Corpus In Forma Pauperis
To Issue For Lawful Court Release From Custody
And Illegal And Or Unconstitutional Commitments
(Civil 18 U.S.C. 4245) Criminal, As Federal Commitments
And Civil Complaint For Redress Etc..

Jurisdiction

18, 28, 42 U.S.C., Fed. R. 57 Civ. Proce, As May Be Applied Hereto.
The court has jurisdiction herein pursuant to
The provisions of the United States of America Constitution
As Applied Hereto And Pursuant To 28 U.S.C.
2254, 2241, As Applied Hereto And As May Be Applied
Hereto Legally And Officially By The Court.
42 U.S.C. 1984, 1985, 1983, 1331, 1332, 1341, 1342, 1343, 1344, 1345, 1346.
The Court Has Jurisdiction To Appoint Counsel Hereto
United States Constitution Amendment 1, 4, 5, 6, 8, 14, 18
U.S.C. 30006A, Etc. Laws As Applied Hereto.

been. See also 18 U.S.C. 4247(g) and all other laws and rights to habeas corpus as would and does apply to plaintiff and his cases etc. relating thereto, prior, present, etc..

Plaintiff by reference thereto the prison and court records relating to him and his cases, and all related and asserted therein and relating thereto. Asserts and relates same herein and demands herein as set forth and stated in the aforesaid prison and court records.

See each claim, ground, motion, etc. as related, asserted, etc., in the prison and court records relating to plaintiff herein.

See each cop out and etc relating thereto, files etc by plaintiff herein.

Wherefore Plaintiff Demands That,

- (1) The Court Allow him to proceed in forma pauperis herein and all matters relating hereto.
- (2) The Court Appoint Counsel (American Civil Liberties Union And North Carolina Civil Liberties Union To Represent This Cause of Action As Presented Herein And Fully Represent Plaintiff Effectively And Competently and Professionally.
- (3) The Court Grant and Order All The Authorized, Requires And Entitled Relief And Release Relating Hereto and Thereto All Relief Prior Asked For And Demanded By Plaintiff and to deny the rest with legal reasons etc. stated for the denial of same, prior, present, etc..

dated 10-12-04 signed by Doctor Thompson
Re: inmate, Joseph Marion Head junior, 17549-056.

Objections And Exception Thereto
Is Hereby Entered And Related.

The Case Summary aforaid is inaccurate and offensive and so prejudicially written it appears a prosecutor of some type or a Gov. Attorney wrote same and Doctor Thompson signed it.

Plaintiff does not believe Doctor Thompson is that skilled to write such a prejudicial Annual Case Summary in an effort to get plaintiff committed further and not released for any reason. 18 U.S.C. 1201, Perjury and Conspirecy Laws, as relates and applies to the aforaid case Summary and relating thereto, prior and present, etc.

See all prison and court records of And Relating To The Aforaid And Each And All of Plaintiffs State And Federal Court Cases And All Related, Asserted, Asked For And Demanded Relating Thereto And Hereto As A Complete And Accurate Background of Same As Known, And For Other Reasons Relating To The Aforaid.

See 18 U.S.C. 4247 (e) (B)(2), the Director of F. M.C. Bureau Has not done what is required by this law as would apply to plaintiff prior and present.

See also 18 U.S.C. 4247 - E and F, why was this not done timely nor otherwise as could and should have

UNITED STATES DISTRICT COURT

Boston Ma,

District of

MassachusettsJoseph Marion Head junior

Plaintiff

APPLICATION TO PROCEED
WITHOUT PREPAYMENT OF
FEES AND AFFIDAVITU.S.A., U.S. Att. Gen.,
David L. Winn - Warden
F.M.C. Devens
Defendant

CASE NUMBER:

Joseph Marion Head junior declare that I am the (check appropriate box)
☒ petitioner/plaintiff/movant ☐ other

in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC §1915 I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? ☒ Yes ☐ No (If "No," go to Part 2)

If "Yes," state the place of your incarceration F.M.C. Devens

Are you employed at the institution? YES Do you receive any payment from the YES

Attach a ledger sheet from the institution(s) of your incarceration showing at least the past six months' transactions. Order Unit Manager to send it to the court.

2. Are you currently employed? ☒ Yes ☐ No

a. If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the name and address of your employer. F.M.C. Devens Ed. Dept.

With Bonus about \$20.00 per month.

b. If the answer is "No," state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.

3. In the past 12 twelve months have you received any money from any of the following sources?

- | | | |
|---|---|--|
| a. Business, profession or other self-employment | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| b. Rent payments, interest or dividends | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| c. Pensions, annuities or life insurance payments | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| d. <u>Disability</u> or workers compensation payments | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| e. Gifts or inheritances | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| f. Any other sources | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

If the answer to any of the above is "Yes," describe, on the following page, each source of money and state the amount received and what you expect you will continue to receive.

DEVENS FMC

01-06-2005

PAGE 1 OF 1

INMATE VISITING LIST - INMATE COPY

17:19:58

N2

VISITING LIST FOR INMATE: HEAD, JOSEPH MARION

REGISTER NUMBER: 17549-056 UNIT: N SOMP

HEAD-DALE, NITA JOANN

INMATE VISITOR

SISTER

287 DALE SUMMERY RD., RUTHERFORDTON, NC
US 28139

PHONE: 828-245-0027 PREPARED DATE: 01-06-2005

TOTAL VISITORS: 1

U.S. Dist. Court, Boston, Ma. Div. (Joseph Marion Head Jr.,
VS - U.S.A., U.S. Att. Gen., David L. Winn - Warden

STATEMENT OF INDIGENCY

Request To Waiver Or Defer Payments

I do hereby swear, under penalty of perjury, that the following information is true and correct.

I, Joseph Marion Head Jr., do assert that my income prevents me from paying any fees while incarcerated due to the fact that I only earn \$ 20.00 about¹ per month at my current work assignment.

By my not being able to afford to pay any unreasonable payments, it adversely affects my ability to research information which could help with any appeal or liberty interest. Any other payments that may have been made in the past have been made with the assistance of family members who cannot afford to help with, nor is it their responsibility to do so.

In the event a full waiver of payments is not feasible, I would agree to, and fully intend to, pay the fees required. However, I would request a deferment of such payments until such time as I am on Supervised Release, at which time I will have an opportunity to obtain meaningful and gainful employment.

Respectfully submitted this 25 day of Feb, 2005.

Name: Joseph Marion Head Jr.
Number: 17549-056
F.M.C. Devens, Unit: N-5 cell 527
P.O. Box 879
Ayer, MA 01432

1. Please see copy of account for previous six (6) months.

pleading concerning the denial of a petition for writ of certiorari by the Supreme Court of the United States, to be duplicative of the claims raised in Civil Action Nos. 04-40042-RGS and 04-40084-RGS. Because I find these documents to be duplicative and malicious under the authority of 28 U.S.C. § 1915A,² the court will direct the clerk to return these documents to Joseph Marion Head.

ORDER

Based upon the foregoing, it is hereby

ORDERED that in accordance with this Court's order dated September 17, 2004, the clerk shall return to Joseph Marion Head the documents submitted for filing since September 17, 2004; and it is further

ORDERED that petitioner Joseph Marion Head be precluded from filing any additional papers, claims, cases, files, complaints, or anything resembling those pleadings, or any other documents in the United States District Court for the District of Massachusetts, in any manner, way or form, without first obtaining the prior written approval of the Miscellaneous Business Docket Judge of the United States

² 28 U.S.C. § 1915A provides in pertinent part:

(a) Screening.--The court shall review, before docketing, if feasible or, in any event, as soon as practicable after docketing, a complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a government entity.

(b) Grounds for Dismissal.--On review, the court shall identify cognizable claims or dismiss the complaint, or any portion of the complaint, if the complaint--

(1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or

(2) seeks monetary relief from a defendant who is immune from such relief.

FORM TO BE USED BY FEDERAL PRISONERS FOR FILING A PETITION FOR WRIT OF
HABEAS CORPUS UNDER TITLE 28 U.S.C. § 2241

IN THE UNITED STATES DISTRICT COURT
FOR THE Boston Massachusetts

Joseph Marion Head Junior, 17549-056
Petitioner

F.M.C. Devens - N-5 Cell 527
Post Box 879 - Ayer -
Massachusetts 01432

(Full name under which you were convicted;
Prison Number; Full Mailing Address).

VS. U.S.A. and U.S. Att. Gen. CIVIL ACTION NO. _____

and David L. Winn - Warden,
Respondent(s)

F.M.C. Devens - P.O. Box
880 Ayer
Massachusetts 01432

(Name of Warden or other authorized person
having custody of Petitioner).

PLEASE COMPLETE THE FOLLOWING. READ THE ENTIRE PETITION BEFORE FILLING IT
OUT. ANSWER THOSE QUESTIONS WHICH PERTAIN TO YOUR TYPE OF CLAIM.

1. This petition concerns: (check appropriate blank)

☒ A conviction
☒ A sentence (CAUTION: If you are attacking a sentence imposed under a Federal Judgment, you
must file a direct motion under 28 U.S.C. § 2255 in the Federal Court which entered the
Judgment).

☐ Jail or prison conditions

☐ Prison discipline issue

☐ A parole problem

☒ Other. State briefly: 18 U.S.C. 4245(d) commitment, V.A. and
Boecond Security Benefit rights until there is
no remedy left to pursue for criminal relief
and until final adjudication by Courts.

2. Place of detention: Federal Medical Center Devens - Post Office
Box 879 Ayer - Massachusetts - 01432

14. Summarize briefly the facts supporting each ground. If necessary attach a single page behind this page.

CAUTION: If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

a. Ground one: The prosecution withheld and did not disclose to the defense and defendant favorable evidence, etc. to the defense, defendant.

Supporting Facts: (Tell your story BRIEFLY without citing cases or law. You are CAUTIONED that you must state facts not conclusions, in support of your grounds. E.g., who did exactly what to violate your rights at what time or place).

Prosecution did not state nor disclose, etc., reasons etc. that would justify the defendant for not knowing the law allegedly violated at the time of the offense. Thereby unconstitutionally shifted the burden of proof on to the defense and defendant. Defendant testified that he knew he was violating a prison rule but did not know he was also violating a federal law when he wrote the letters.

b. Ground Two:

The prosecution failed to prove that the defendant knowingly violated the law allegedly violated in the indictment.

Supporting Facts: The contents of the transcript of trial and records and briefs on appeal and all etc. filings relating to defendant's cases.

Ground Three:

The prosecutor failed to prove defendant had a criminal intent to violate the Federal Law allegedly violated.

Supporting Facts: The contents of the transcript of trial and the records on appeal and records of all other filings relating to defendant's cases.



UNITED STATES DISTRICT COURT
OFFICE OF THE CLERK
JOHN JOSEPH MOAKLEY COURTHOUSE
1 COURTHOUSE WAY, SUITE 2300
BOSTON, MASSACHUSETTS 02210



December 14, 2004

Mr. Joseph M. Head, Jr.
Reg. No. 17549-056
FMC Devens
P.O. Box 879
Ayer, MA 01432

Dear Mr. Head:

The Clerk received your correspondence seeking information on the three notices of appeal you recently filed.

The Court's records indicate that by Order dated November 30, 2004, Judge Stearns ordered the clerk to enter the Notices of Appeal in the following actions: (1) Head v. United States, et al., C.A. No. 04-40089-RGS; (2) Head v. Unknown Parties, et al., C.A. No. 04-40090-RGS; and (3) Head v. America, et al., C.A. No. 04-40103-RGS.

Enclosed please find courtesy copies of the docket sheets for these three cases and note that the docket for each case indicates the case is on appeal. After the district court transmits the files to the Court of Appeals for the First Circuit, you will be notified of the appeals court case numbers.

Finally, I am enclosing a copy of the December 8th Memorandum and Order issued by Judge Stearns in Head v. Winn, C.A. No. 04-40084-RGS. This order requires you to obtain approval of the Miscellaneous Business Docket Judge before filing any documents with this Court. In the future, if you wish to file any documents in the District of Massachusetts, the Memorandum and Order requires you to file a written petition accompanied by a copy of the December 8th Memorandum and Order together with the papers sought to be filed and a certification under oath that there is a good faith basis for their filing.

I hope that this letter addresses your concerns.

*Motion To File The Complaint Herewith
In This Court, In Forma Pauperis
See All Prison And Court Records
Relating To Plaintiff. Further Order
Same Provided To This Court And At
Defendants, Provide Same, Objecting To
Leave To Proceed In Forma Pauperis*

*Barbara Morse
Pro Se Office
Order F. M. C. Devens Provide The
Information To The Court As To
The Indigence Of Plaintiff And
His Prison Trust Fund For The
Past 31 years.*

14. Summarize briefly the facts supporting each ground. If necessary attach a single page behind this page.

CAUTION: If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

a. Ground ⁽⁴⁾ One: The prosecution failed to prove the statement of the offense in the arrest warrant and indictment.

Supporting Facts: (Tell your story BRIEFLY without citing cases or law. You are CAUTIONED that you must state facts not conclusions, in support of your grounds. E.g., who did exactly what to violate your rights at what time or place).

The contents of the trial transcript of trial and all other records relating to defendants cases.

b. Ground ⁽⁵⁾ Two:

The prosecution deliberately mislead the jury and judge to believe and find defendant guilty.

Supporting Facts: The Hon. Attorney stated to the judge and jury, the rule of law, ignorance of the law is no excuse for not knowing the law. And did not tell them that the burden of proof law requires him to prove the defendant knowingly violated the law and had the criminal intent to violate said law.

c. Ground ⁽⁶⁾ Three:

Each and all prior, claims, grounds, motions, errors of trial, relating to defendants cases. See all prison and Ct. Rec. D.

Supporting Facts: The contents of all records, etc., relating to each aforesaid asserted and all other records relating to the defendants cases, etc. and V.A. and Social Security Rights, Etc. and entitlements to benefits and back pay etc.,

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
Petitioner)

v.)

JOSEPH MARION HEAD)
(Reg. No. 17549-056))

Respondent)

03-CV-10228

FILED UNDER SEAL

ORDER OF COMMITMENT PURSUANT TO 18 U.S.C. § 4245

Upon consideration of the United States' Petition for a hearing to Determine the Present Mental Condition of an Imprisoned Person pursuant to 18 U.S.C. § 4245 and Case Summary, and following a hearing on Nov. 17, 2003 and upon consideration of the evidence submitted herewith, the Court hereby finds that by a preponderance of the evidence, Respondent suffers from a mental disease or defect for the treatment of which he is in need of custody for care or treatment in a suitable facility.

Therefore, it is hereby Ordered:

That the Respondent be committed, pursuant to 18 U.S.C. § 4245(d), to the custody of the Attorney General for treatment at FMC Devens or other suitable facility until it is determined pursuant to 18 U.S.C. § 4245(e) that he is no longer in need of such custody for the care or treatment, or until the expiration of his sentence of imprisonment, whichever comes first.

So ORDERED this 17th day of November, 2003.

James E. [Signature]
United States District Judge

DOCKETED

James E. [Signature]
Chief Clerk

O-V-E-R

Handwritten note:
Does Not State which
Hearing, on Nov. 17, 2003 and when alleged was
conducted. It is not clear if the hearing was
at the time in the court or if it was held
privately. A signed order would be needed.

14

15. If this petition concerns jail or prison conditions, prison discipline, a parole problem or other cause under 28 U.S.C. § 2241, answer the following:

a. Did you present the facts in relation to your present complaint in the internal prison grievance procedure?

_____ Yes _____ No *N/A See Prison Records*

(1) If your answer to "a" above is yes, what was the result? _____

(2) If your answer to "a" above is no, explain: *N/A See Prison and Court Records*

b. Did you present your claim to the Bureau of Prisons or other federal agency for administrative action?

_____ Yes _____ No *N/A See Prison, Court, Etc., Records*

(1) If your answer is "yes," state the date such claim was submitted and what action, if any has been taken: _____

(2) If your claim has not been acted on, attach copies of any correspondence you have received from the Bureau of Prisons or other federal agency concerning you. *See Prison, Ct., and other Records*

c. **STATEMENT OF CLAIM:** State here as briefly as possible the facts of your case. DO NOT give any legal arguments or cite any cases or any statutes. Attach extra pages of the same size to this page if more room is necessary. DO NOT write on the reverse side of this page.

See each and all claim, etc., related and asserted prior, within the prison and court and V.A. and Social Security, Records relating to petitioner and all presentation to the United American Commission and court on Human Rights.
Petitioner is and was denied V.A. and Social Security benefits, etc., benefits because of being incarcerated prior to final adjudication by all courts and President of United States of America, which is unconstitutional as applied.

To United States District Court - Boston - Massachusetts
 And Each Federal Magistrate And Judge Therefore
 The Court Has Legal Jurisdiction Herein Pursuant To,
 18, 28 and 42 U.S.C. as may be legally applied hereto
 as well Rule 57 Fed. R. Civ. Proc.

United States of America - Petitioner (v) Joseph Marion Head 17549-056
18 U.S.C. 1201 And Conspiracy Law As Applies Hereto.

Violations of Rights To, Appeal, Due Process, Not To
Be Deprived of Liberty But By Due Process of Law,
Effective Assistance of Counsel, Equal Protection of Law,
In That, Counsel and Court MUST Inform Client of Rights.

Failure by an attorney to perfect an appeal where
 the client has indicated a desire to appeal is cause.
 Sincox v United States, 571 F.2d. 876, 879-80 (5th. cir. 1978)

Futher see, Blouser v United States, 3.0. Iowa 1970, 318
 F.2d. 175, And See, United States v Smith, C.A. 6 (Mich.)
 (1967) 387, F.2d. 268.

Futher see, Strickland (v) Washington (1984).
 FACT'S

That as facts hereto is the complete prison
 and court records relating to the above
 entitled cause and case Heard Nov. 17th. 2003
 in Federal Court in Boston, Massachusetts
 Before Tauro - U.S. D. Ct. Fed. Judge.

FUTHER FACT'S IS

Each and all State and Federal Prison and
 court records, person, place, thing, relating to
 Joseph Marion Head Junior Reg. No. 17549-056
 (H2-007-410-46-36), as if all said facts
 was stated herein, in proper order and form
 of each of same and all relating thereto, prior
 present and hereinafter as applies, etc.,
 relating hereto and or otherwise.

United States District Court
For the District of Massachusetts
Boston Division

FILED
CLERK'S OFFICE
2005 FEB 14
U.S. DISTRICT COURT
DISTRICT OF MASS.

United States of America	Civil Commitment
Petitioner	Nov. 17th. 2003
VS	18 U.S.C. 4245(d)
Joseph Marion Head	No. _____
Reg. No. 17549-056	Boston-Massachusetts
Respondent	U.S. Fed. D. Ct.

Judge, Tawro

I did not consent to the transfer to Devens.
Was you with legal jurisdiction to commit
me, 18 U.S.C. 4245(a) read said law.

Was I afforded my rights to object to
the transfer?

Did I object to the transfer?

Did I have a petition for writ of
Habeas Corpus pending in Fed. Court
in Beckely W. Va. at the time of
my transfer? With same pending
could I be legally transferred?

Was the Commitment Hearing, by law
18 U.S.C. 4245(a), suppose to have been
conducted in Beckely W. Va. instead of
Boston, Massachusetts?

Am I illegally committed, Based on
or relating to the aforesaid?

Who and What has to pay me, how
much and why, when, where, etc?

Jan. 30th, 2005

Richard A. Stearns
U.S. Fed. D. Ct. Judge
United States District Court
Boston - Massachusetts - 02210

Question's To The Judge
To Fully Answer
Without Delay

- Re: U.S.A. v Head and N.C. v Head, Defendant
- (1) Was inmate Head's State and Federal convictions obtained in Violation of The Laws And Or Constitution of The United States And Or The State of North Carolina And Was His Sentences Legally Imposed Based On The Reasons For The Verdicts of Guilty?
 - (2) Dose a defendant's rights and or privileges require the reasons for a verdict of guilty to be legally proven to be legal and valid and not violative of law, right nor privilege in order for the conviction to be legal and valid where a sentence can be legally imposed based on the conviction and reasons Therefore as to the reasons for the guilty verdict? A defendant is not required to prove his innocence nor guilt. The burden of proof is on the government to prove the defendant legally guilty and must legally prove him guilty before a sentence can legally be imposed.

Signed, Joseph Manton Head
Jan. 30th, 2005

United States District Court
For the District of Ma.
Boston

2005 FEB 23 15

2005 FEB 23 15

United States of America
Petitioner

VS

Joseph Marion Head
Reg. Number 17549-056
Respondent

U.S. DISTRICT COURT
DISTRICT OF MASS.

Case Number As
Related of Court Records,
No. _____

Objections And Exceptions Is Hereby Made
To The Annual Case Summary For Court.

Now Comes, Joseph Marion Head Junior, Reg. No.
17549-056, who himself pro se, respectfully
presents to the Court Objections and Exceptions
To The Annual Case Summary For Court And
all related therein by, B. Thompson, M.D.
Staff Psychiatrist, F. M. C. Devens, on 10/12/04
Movant was provided a copy on 11-18-04

Doctor Thompson record relating to movant
is as appears of prison and court records, as
to same see all prison and court records
relating to movant herof to include law
suits, prior and present pending in courts, etc.

That Doctor Thompson did not state what
records, etc she got her information from and
did not provide movant a copy of same. Why?

Doctor Thompson committed perjury several times in the Annual Case Summary for Court as is evident and proof of same by the prison and court and other records etc relating to morant prior and present.

Doctor Thompson did not list and state all legal claims, grounds etc filed in prison and court, etc. records relating to morant and his state and federal court cases and law suits and tort claims, prior and present. Nor all processes etc relating to each of the aforesaid. Why Didn't She do it?

The court is referred to all prison and court, etc. records as to each and all of the aforesaid, etc relating thereto, prior and present.

Order Doctor, Doctor Thompson provide the court and morant the aforesaid information

Order Doctor Thompson To Legally Prove all she said in her Summary aforesaid and Order her charged with perjury as to each and all matters therein (which she cannot legally prove.

Order an incourt evidentry hearing in this matter and appoint morant competent and effective counsel for same. Not Mr. William Brown - Attorney At Law.
Signed, Joseph Marion Head, Junior 17549-056 (11-18-04)